

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

ERIK FLORES ABURTO,

Petitioner,

v.

ISRAEL JACQUEZ,

Respondent.

Case No. 3:23-cv-01877-JE

**ORDER ADOPTING FINDINGS &
RECOMMENDATION**

Erik Flores Aburto, 05940-506, FCI Sheridan Camp, P.O. Box 6000, Sheridan, OR 97378. Pro Se.

Natalie Wight, United States Attorney, and Robert Stanley Milesnick, Assistant United States Attorney, 1000 SW Third Ave., Suite 600, Portland, OR 97204. Attorneys for Respondent.

IMMERGUT, District Judge.

On August 9, 2024, Magistrate Judge John Jelderks issued his Findings and Recommendation (F&R), ECF 16, recommending that Petitioner’s Petition for Writ of Habeas Corpus should be dismissed for lack of jurisdiction. No objections were filed.

DISCUSSION

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”

28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a

de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R that are not objected to. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

No parties having filed objections, the Court has reviewed the F&R, ECF 16, and accepts Judge Jelderks’s conclusions. The F&R, ECF 16, is ADOPTED in full. Petitioner’s Petition for Writ of Habeas Corpus is DISMISSED for lack of jurisdiction.

IT IS SO ORDERED.

DATED this 9th day of September, 2024.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge